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Letter dated 12 August 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

As Mr. Seydou Elimane Diarra, Prime Minister of the Government of National Reconciliation, informed the members of the Security Council at its 4793rd meeting on Friday, 25 July 2003, the Government of the Republic of Côte d'Ivoire, in implementation of the Linas-Marcoussis and Accra Agreements, introduced a bill in the National Assembly concerning amnesty for exiled soldiers and military personnel detained on charges of undermining State security.

I have the honour to inform you that, on Wednesday 6 August 2003, the Ivorian Government adopted the amnesty bill by 179 votes to 2, with 1 abstention.

Following the adoption of the bill, Mr. Laurent Gbagbo, President of the Republic, promulgated it on 8 August 2003.

The almost unanimous acceptance of the amnesty bill by the Ivorian parliamentarians clearly demonstrates the profound willingness of the people of Côte d'Ivoire to put a definitive end to the instability which has blighted the country since December 1999.

On instructions from my Government, I therefore have the honour to transmit to you herewith the document promulgating Act No. 2003-309 of 8 August 2003, granting amnesty, and to request the Security Council to take all necessary measures to encourage the return to Côte d'Ivoire of Ivorians living in the neighbouring countries or the West African subregion who fall within the scope of the Act.

I should be grateful if you would arrange for this letter and its annex, containing the document concerning the promulgation of Act No. 2003-309 of 8 August 2003, granting amnesty, to be circulated as documents of the Security Council.

(*Signed*) Philippe **Djangoné-Bi**
Ambassador
Permanent Representative

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Annex to the letter dated 12 August 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Act No. 2003-309 of 8 August 2003, granting amnesty

The National Assembly has adopted, and

The President of the Republic promulgates the following Act:

Article 1

This Amnesty Act has been adopted in the spirit of the peace agreements concluded following the crisis of 19 September 2002.

Chapter I
Scope

Article 2

Amnesty shall be granted as a matter of course in respect of offences committed against State security and national defence, regardless of their perpetrators, co-perpetrators or accomplices, whether military or civilian agents, and whatever their nature and the penalties incurred or liable to be incurred on account of their commission, in particular those offences provided for and penalized in articles 158 to 168 of the Penal Code, committed by Ivorian nationals on national territory or in exile during the events described in article 3.

Amnesty shall also be granted in respect of offences committed during the attempted coup d'état of 18 and 19 September 2002 and the ensuing armed rebellion, and in respect of military offences linked to all the events cited, namely, insubordination, post desertion and desertion.

Amnesty shall also be granted in respect of collateral damage caused by operations to defend republican institutions carried out by the defence and security forces.

Article 3

Amnesty shall be granted in respect of offences committed during the following events:

- 17 and 18 September 2000 (attack directed against State authority);
- 24, 25, 26 and 27 October 2000 (attack directed against State security and public order);
- 4 and 5 December 2000 (disturbance of public order);
- 7 and 8 January 2001 (attack directed against State authority and participation in armed gangs);
- 10 February 2001 (attack directed against State authority and unlawful possession of arms, organization of armed gangs);

– 18 and 19 September 2002 (attack directed against State authority, murder, participation in armed gangs).

Article 4

This Amnesty Act shall not apply to:

(a) Economic offences;

(b) Offences which constitute serious violations of human rights and international humanitarian law;

(c) Offences classified by the Ivorian Penal Code as crimes and offences against the law of nations, crimes and offences against individuals and crimes and offences against property, including those specific offences provided for and penalized in Act No. 88-650 of 7 July 1988, as amended by Act No. 89-521 of 11 May 1989, on the suppression of offences in the area of the marketing of agricultural produce and Act No. 94-497 of 6 September 1994 suppressing the unlawful export of agricultural produce;

(d) Offences described in articles 5 to 8 of the Rome Statute of the International Criminal Court and the African Charter of Human and People's Rights.

Chapter II
Consequences of amnesty

Article 5

Amnesty shall extinguish public right of action, annul all convictions and terminate all principal and complementary penalties. It shall not result in the reimbursement of fines and fees which have already been paid or the restitution of previously confiscated items.

Article 6

Criminal proceedings may not be instituted on account of acts covered by the amnesty which are discovered or revealed after the promulgation of this Act, except in the case of ongoing offences following the expiration of a two-month period.

Article 7

The relevant provisions of article 108 of the Penal Code shall remain applicable to all beneficiaries of this Amnesty Act, with the exception of the effect of the termination of proceedings and the annulment of disciplinary or professional convictions on the reinsertion and integration of persons granted amnesty.

Article 8

The examining magistrates and trial courts seized of cases falling within the scope of this Act shall instruct that all submissions related thereto be filed with the court office.

Article 9

Persons detained in the context of such proceedings shall be released in accordance with the applicable rules.

Persons convicted but not detained may not be forced to serve their sentences.

Proceedings relating to the matters covered by this Amnesty Act which have not yet been brought to court may no longer be pursued.

Chapter III
Compensation of victims

Article 10

In the interest of national reconciliation and national solidarity, the State shall ensure, through all relevant means, reparation for damages caused by the offences covered by this Amnesty Act.

The methods of compensation, reparation and rehabilitation shall be determined by the law.

Chapter IV
Miscellaneous provisions

Article 11

No magistrate or public official may list in an administrative file or a case file relating to legal proceedings such convictions, loss of rights or disciplinary measures as are covered by the amnesty.

Article 12

The Government shall draw up a list of persons affected by the amnesty and keep Parliament informed about the implementation of the peace agreements, particularly as regards the programme for the grouping, disarming and reintegration of combatants at designated sites and the completion of the country-wide redeployment of public administration.

Article 13

This Act shall be published in the Official Gazette of the Republic of Côte d'Ivoire and implemented as State law.

Done at Abidjan, on 8 August 2002.

Laurent Gbagbo